

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOSEPH W. SMITH, JR.,

Plaintiff, :

v.

**Case No. 2:22-cv-1875
Judge Sarah D. Morrison
Magistrate Judge Caroline H.
Gentry**

**SHERIFF GEORGE W.
LAVENDER, *et. al.*, :**

Defendants.

ORDER

This matter is before the Court on the September 9, 2022 Report and Recommendation issued by the Magistrate Judge. (ECF No. 13.) The Magistrate Judge performed an initial screen of the Complaint pursuant to 28 U.S.C. § 1915(e)(2) and 1915A and recommended that the Court order severance and dismiss all claims against Defendant M. Ratliff because they are unrelated to any claim brought against any other defendant. (*Id.*) The Magistrate Judge also recommended that the Court dismiss the Complaint for failure to state a claim upon which relief may be granted with the exception of his Fourteenth Amendment deliberate indifference claims against Defendant Lavender in his official capacity and Defendants Nurse Jill and Jane Doe No. 1 in their official and individual capacities. (*Id.*) Finally, the Magistrate Judge recommended that the Court certify that an appeal of this Order adopting the Report and Recommendation would not be taken in good faith pursuant to § 1915(a)(3). (*Id.*) The time for filing objections has passed, and no objections have been filed.

For the reasons set forth therein, the Court **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 13) and all claims against Defendant M. Ratliff are **SEVERED** and **DISMISSED** without prejudice to plaintiff re-filing separate complaints against that defendant. With the exception of Plaintiff's Fourteenth Amendment deliberate indifference claims against Defendant Lavender in his official capacity and Defendants Nurse Jill and Jane Doe No. 1 in their official and individual capacities, the Complaint (ECF No. 15) is **DISMISSED** with prejudice. Finally, Plaintiff has waived the right to appeal by failing to file objections. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"). The Court therefore **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE